

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

CA #: 04CV12058WGY

BETTE J. RIVARD, as Administratrix of)
the Estate of John A Horton,)
Plaintiff)
)
v.)
)
DARTMOUTH HOUSE OF CORRECTION,)
BRISTOL COUNTY, JOHN DOE, RICHARD ROE,)
Bristol County Employees the identity and number)
of who is presently unknown to the Plaintiff)
Defendants)
)
v.)
)
PRISON HEALTH SERVICES, INC. and)
CORRECTIONAL HEALTH CARE SOLUTIONS, INC))
Third Party Defendants)
)

**PRISON HEALTH SERVICES' MOTION FOR ISSUANCE OF A COURT
ORDER FOR THE PRODUCTION OF THE AUTOPSY RECORDS OF
JOHN A. HORTON FROM THE MEDICAL EXAMINER'S OFFICE**

Prison Health Services moves this Honorable Court, pursuant to Fed. R. Civ. P. 26(b), to order the Medical Examiners Office to provide counsel for the defendants with a copy of John A. Horton's autopsy records including:

1. Copies of all records concerning or relating to the autopsy of John A. Horton.
2. Copies of all lab reports, toxicology reports, slides, handwritten and typed notes and any and all notes and records concerning the microscopics and/or histology of all specimens examined, and any formal reports prepared as a result of the autopsy of John A. Horton.
3. Copies of all photographs taken of John A. Horton.

4. An opportunity at a mutually convenient time to inspect and photograph any specimens or original slides and photographs currently in the possession and/or control of the Office of the Chief Medical Examiner or any agency affiliated with the Chief Medical Examiner or its agents.

5. A portion of any specimen retained by the Chief Medical Examiner in regard to the autopsy of John A. Horton, which is sufficient enough for further testing to be accomplished.

As grounds therefore, Prison Health Services states that a complete autopsy record is required in order to allow the defendant's experts to properly assess the allegations contained within the plaintiff's complaint as it relates to the medical care of the decedent and the purported cause of his death. The medical examiner's officer will not release the above referenced records without a court order.

WHEREFORE, Prison Health Services moves this Honorable Court, pursuant to Fed. R. Civ. P. Rule 26(b), to order the Massachusetts Medical Examiners Office to provide counsel for the Defendants with copies of the complete autopsy report as outlined above.

Respectfully submitted,
PRISON HEALTH SERVICES, INC.,
By its attorneys

/s/ Mary Eiro-Bartevyan
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CERTIFICATE OF SERVICE

I, Mary Eiro-Bartevyan, attorney for Prison Health Services, Inc., hereby certify that I have this **day of September, 2005**, forwarded a copy of the foregoing document by first-class mail, postage prepaid, to :

Plaintiff's Counsel

Robert M. Proulx, Esq.
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/s/ Mary Eiro-Bartevyan

Mary Eiro-Bartevyan

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